

## **EXHIBIT B**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

:  
Docket #1:20-cv-08924-  
: CM  
NEW YORK CITY POLICING  
DURING SUMMER 2020 :  
DEMONSTRATIONS :  
: New York, New York  
Defendant. : March 4, 2022  
: TELEPHONE CONFERENCE  
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PROCEEDINGS BEFORE  
THE HONORABLE GABRIEL W. GORENSTEIN,  
UNITED STATES MAGISTRATE JUDGE

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of New York:

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Proceedings conducted telephonically and recorded by  
electronic sound recording;  
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2 alternative dates, we have on the table a proposal to  
3 defendants, which they recently objected, that we have a  
4 double-tracking of certain dates so that at least we have,  
5 even if we lose a day of higher-level folks, we have  
6 another deposition going that day.

7 MS. ROBINSON: Your Honor, that --

8 MS. MARQUEZ: That would be a --

9 MS. ROBINSON: -- the plaintiffs' proposed double-  
10 tracking, we simply cannot do that. For example, for Chief  
11 Monahan, the chief of the department is going next week.  
12 He requires two days of deposition, two days of prep. To  
13 double-track that would reduce our staffing levels  
14 extremely. It would just be --

15 THE COURT: Listen, listen, I don't know that we  
16 have -- now that you have some breathing room at the other  
17 end, I don't know that we have to worry about double-  
18 tracking in the same way. And there has to be -- the high-  
19 level people have to block out backup dates, and they have  
20 to be before June 10th, and it has to be done realistically  
21 so that if they all back out, they can all be done on their  
22 later dates. If that requires double-tracking, so be it.  
23 You must give alternate dates for all the high-level  
24 people.

25 You know, the odds are if you tell them the

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2 seriousness of this and if you prep them a week in advance  
3 and not two days in advance, it's not going to be an issue.  
4 But you absolutely must have backup dates that you inform  
5 the other side of, saying, "Here's the date for this  
6 person. And if that date doesn't work, here's the date or  
7 dates that they're going to do it, if for some reason the  
8 first one doesn't work." And if the first one doesn't  
9 work, I'm trying to think, this has got to be, you know, an  
10 emergent project like attending a funeral, not like  
11 attending a conference. It's got to be something that is  
12 of an emergent, emergency nature.

13                   And I'm trying to think how -- I think that's  
14 going to have to be expressed in a representation from the  
15 attorney that describes in detail what the problem is and  
16 why this person is completely prevented from attending the  
17 deposition on that date. And preparation is not going to  
18 be an excuse. It's going to be a problem of that person.  
19 Your preparation's going to have to happen in advance. And  
20 the plaintiffs should feel free to test this deposition  
21 under oath if they have any doubts when the deposition  
22 ultimately happens. So make sure your deponents tell you  
23 very accurately what the problem is.

24                   MS. ROBINSON: I understand -- this is Amy  
25 Robinson, your Honor. I understand. Understood. And I'm

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2 just a little concerned that with backup dates we could --  
3 it would be difficult --

4 THE COURT: You could end up in double-tracking, I  
5 don't know. But you're going to have to get another  
6 attorney on the case. I don't know what else to tell you.  
7 I hope you will impress upon your deponents how important  
8 it is to appear for their date.

9 MS. ROBINSON: I will in fact do that, your Honor.  
10 My only concern is the June 10th dates.

11 MX. GREEN: Your Honor, if I may? I suspect not  
12 everybody has seen this yet. And as we're thinking about  
13 June 10th, the Second Circuit just in part reversed Judge  
14 McMahon's decision to deny intervention to the FDA. And I  
15 suspect that that's going to affect where our end date is  
16 at the end of the day because we're going to have a bunch  
17 of new -- or well, we're going to have one new party in a  
18 sense who is starting from square one on discovery. And,  
19 you know, I'm not sure how realistic keeping the time  
20 schedule is going to be, given that.

21 THE COURT: Breaking news. I mean, I can't see  
22 that we should halt depositions for this. I mean, maybe  
23 they have some additional deponents or something.

24 MX. GREEN: To be clear, yes. I don't think that  
25 we should halt depositions in any way. I just -- I suspect

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C E R T I F I C A T E

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5 I, Carole Ludwig, certify that the foregoing  
6 transcript of proceedings in the case of In Re: New York  
7 City Policing During Summer 2020 Demonstrations, Docket  
8 #20-cv-08924-CM, was prepared using digital transcription  
9 software and is a true and accurate record of the  
10 proceedings.

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Signature Carole Ludwig

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Carole Ludwig

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Date: March 4, 2022

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